

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY L. BROWN,

Plaintiff, No. CIV S-02-02645 ALA P

vs.

D.L. RUNNELS, et al.,

Defendants. ORDER

Plaintiff Gregory Brown is proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. On November 29, 2007, Plaintiff filed a motion for a temporary restraining order and preliminary injunction against prison officials at the California Substance Abuse Treatment Facility (“CSATF”). Plaintiff claims those officials are providing Plaintiff with inadequate access to the law library.

On December 19, 2007, Defendants Alameida, Alexander, Bainbridge, Brewer, T. Cole, Davey, Feliciano, Felker, Fiegener, Harrison, Hibbits, Jackson, Johnson, Kopec, Leighton, Lucas, Lynn, Malfi, Martin, Norlin, Quiggle, Rianda, Runnels, Surges, Weeks and Wright filed an opposition to Plaintiff’s motion arguing that Plaintiff’s motion should be denied because none of those defendants are employees of CSATF. On January 8, 2008, Defendant Rohlfling filed a response to the court’s December 5, 2007, order stating that Defendant Rohlfling is not an

employee of CSATF and therefore cannot respond to Plaintiff's allegations.

A court may only enjoin the actions of parties or non-parties with notice who are shown to be in active participation with defendants. *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100, 112 (1969). Plaintiff has not alleged that the staff at CSATF are in active participation with Defendants. Plaintiff's request will therefore be denied.

Therefore, IT IS HEREBY ORDERED that:

1. Plaintiff's November 29, 2007, motion for a temporary restraining order and preliminary injunction is DENIED; and
2. Defendant Rohlfing's January 8, 2008, filing satisfies the court's December 8, 2007, order.

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DATED: January 14, 2008

/s/ Arthur L. Alarcón
UNITED STATES CIRCUIT JUDGE
Sitting by Designation